

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA**

In re:	)	Chapter 11
	)	
MERCY HOSPITAL, IOWA CITY,	)	Case No. 23-00623 (TJC)
IOWA, <i>et al.</i>	)	
	)	(Jointly Administered)
Debtors.	)	
_____	)	

**OBJECTION OF MERCYONE  
TO DEBTORS' INCLUSION OF DECLARATION OF  
MARK E. TONEY AS AN EXHIBIT FOR THE MAY 16, 2024 HEARING**

Mercy Health Network, Inc., d/b/a “MercyOne” (“MercyOne”), by its undersigned counsel, respectfully submits this objection (the “Objection”) to Debtors’ inclusion of the Declaration of Mark E. Toney as an exhibit in support of confirmation. (Doc. 1007). As grounds for its objection, MercyOne states:

1. Under Local Rule 9070-1(d), “[a]ll exhibits must be served on opposing counsel at least 14 days prior to the date of the hearing or trial.” In their Exhibit and Witness List for the May 16, 2024 hearing (Doc. 1007) (the “Exhibit List”), Debtors include as Exhibit 4 the “Declaration of Mark E. Toney in Support of Confirmation.” In that Exhibit List, Debtors represented that this Declaration would be “forthcoming.” However, one week later, they have not filed this Declaration and MercyOne has not had an opportunity to review or respond to this.

2. Under Local Rule 9070-1(d), written objections to exhibits must be filed seven days before the hearing. As a result, because MercyOne has not been given an opportunity to review that exhibit, it objects that this Declaration has not been timely filed and therefore that any admission and use of this Declaration at the Hearing on May 16, 2024 or otherwise in support of confirmation of the Plan should be barred.

3. If Debtors ultimately file this Declaration at a later time, MercyOne respectfully reserves all rights to further object and/or revise its objection to its admission and use at that time.

### **CONCLUSION**

WHEREFORE, MercyOne respectfully requests that the Court sustain its Objection to the admission and use of the Declaration of Mark E. Toney in Support of Confirmation.

Dated: May 9, 2024

/s/ Edward J. Green

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